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PUBLISHED IN THE DERBY REPORTER MARCH 22, 2004.

ORDINANCE NO. 46-114

AN ORDINANCE CREATING CHAPTER 3.10 OF
THE CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO LICENSING OF PORTABLE
STORAGE CONTAINER COMPANIES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 3.10.010 of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.010 Title. This chapter shall be known as the “portable storage container contractor-licensing ordinance of the City of Wichita, Kansas.”

SECTION 2. Section 3.10.020 of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.020 Purpose. The purpose of the regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage placement of portable storage containers which, by their location and design, are harmonious to the buildings and sites which they occupy, and are in compliance with the requirements of the Wichita-Sedgwick County Unified Zoning Code; to provide an opportunity to achieve a reasonable balance between the outdoor storage needs of businesses and industry while improving and preserving the visual qualities of the community; to provide for the administration of the regulations imposed and set forth herein; and to promote the public health, safety and general welfare.

SECTION 3. **Section 3.10.030** of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.030 Applicability. The provisions of this chapter shall apply to the placement, location, erection, relocation, or affixing by use and location of all portable storage containers located out-of-doors. No portable storage container shall be placed, located, erected, relocated, altered, or affixed by use or location that would be contrary to the provisions of this code. The provisions herein contained shall be considered together with the provisions of the Wichita-Sedgwick County Unified Zoning Code.

SECTION 4. **Section 3.10.040** of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.040 Definitions.

(a) Portable Storage Container – Any box, container, or barrel which is used to store merchandise and/or equipment outside of an enclosed permanent building or structure, which does not qualify as a building or structure under Title 18 of the Code of the City of Wichita. An enclosed permanent building or structure means a building or structure that is enclosed by walls as defined in Title 18 of the Code of the City of Wichita.

(b) Portable Storage Container Contractor – Any person or company engaged in the business of renting, leasing or otherwise providing portable storage containers, which involves in whole or part the placement, location, erection, relocation, alteration, or affixing of portable storage containers.

(c) Superintendent of Central Inspection – The Superintendent of Central Inspection for the City of Wichita, Kansas, or his designee.

(d) Unified Zoning Code – The Wichita/Sedgwick County Unified Zoning Code.

SECTION 5. **Section 3.10.050** of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.050 License to Engage in Business of Portable Storage Container

Contractor. All persons engaged in the business of selling, renting or otherwise providing portable storage containers, which involves in whole or part the placement, location, erection, relocation, alteration, or affixing of portable storage containers shall be required to obtain a license from the city to conduct such business. This shall be an annual license and the fee shall be one hundred dollars.

Only licensed portable storage container contractors may place, locate, erect, relocate, alter or affix any portable storage container governed by this chapter.

Exception:

Portable storage containers that are owned by the owner of the zoning lot on which the portable storage container is to be placed, or by the owner/operator of the business located on the zoning lot on which the portable storage container is to be located may place, locate, erect, relocate or affix a portable storage container, provided that the container is placed, located, or relocated as otherwise required by this chapter.

SECTION 6. **Section 3.10.055** of the Code of the City of Wichita, Kansas shall read as follows:

3.10.055 Revocation. The building official may, upon his own motion, and may upon the verified complaint in writing of any person, require any portable storage container

contractor to appear before the Board of Code Standards and Appeals for hearing upon ten days' notice in writing, and mailed to his last known post office address, and such Board shall have the power to place on probation for a specified time period, temporarily suspend or permanently revoke the license if the holder thereof is found guilty of or commits any one or more of the following acts or omissions:

(a) Willful and deliberate disregard and violation of the provisions of this title or any other ordinance of the City, or failure to comply with any lawful order of the Superintendent of Central Inspection;

(b) Misrepresentations of a material fact by application in obtaining a license;

(c) Repeated failure to place, locate or relocate portable storage containers in accordance with this chapter or the Wichita-Sedgwick County Unified Zoning Code.

SECTION 7. **Section 3.10.060** of the Code of the City of Wichita, Kansas, shall read as follows:

Section 3.10.060 Removal of Portable Storage Containers.

(a) The Superintendent of Central Inspection may remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited portable storage container subject to removal under the provisions of this chapter which has not been removed within the time period specified in this chapter, or any other portable storage container maintained in violation of the provisions of this chapter. The Superintendent of Central Inspection shall prepare a notice which shall describe the portable storage container and specify the violation involved and which shall state that if the portable storage container is not removed or the violation is not

corrected within fifteen days, the portable storage container shall be removed in accordance with the provisions of this section.

(b) The notice shall be mailed or given to the owner of the portable storage container, or the occupant of the property upon which the portable storage container is located or their employee or representative, or to the owner of the property on which the portable storage container is located as shows on the records of the register of deeds.

(c) In addition, any portable storage container placed on private property in violation of any provision of this chapter may be removed and impounded by the Superintendent of Central Inspection. The Superintendent of Central Inspection shall prepare a notice and specify the violation involved, which shall state that if the portable storage container is not removed within fifteen days, or the violation not corrected within seventy-two hours, the portable storage container may be impounded. This notice shall be served upon the owner or agent of such portable storage container and where possible, upon the occupant of the property where the portable storage container is located. Such portable storage container shall be retained by the Superintendent of Central Inspection for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the city. The owner may recover such portable storage container within thirty days upon payment of a service charge of one hundred dollars per portable storage container and payment of all direct city costs associated with its removal and its storage.

(d) Any person having an interest in a portable storage container or the property on which the portable storage container is located may appeal the determination of the Superintendent of Central Inspection ordering removal or compliance by filing a written notice

of appeal within ten (10) days of the date of written notice from the Superintendent of Central Inspection.

SECTION 8. Section 3.10.070 of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.070 Cost of portable storage container removal. Any portable storage container removed by the Superintendent of Central Inspection may be disposed of in any manner deemed appropriate by the city. The cost of abatement or removal shall include any and all incidental expenses incurred by the city in connection with the portable storage container abatement or removal. These costs shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land on which the portable storage container was located in the manner provided by law.

SECTION 9. Section 3.10.080 of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.080 Penalty for violation of chapter, rule or order. Any person violating any of the provisions of this chapter or any reasonable rule or order of the Superintendent of Central Inspection, or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars.

SECTION 10. Section 3.10.090 of the Code of the City of Wichita, Kansas, shall read as follows:

3.10.090 Severability. If any section or provision of this ordinance is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this ordinance that shall remain valid to the extent possible.

SECTION 11. This ordinance shall be included in the Code of the City of Wichita, Kansas, and become effective on April 19, 2004.

ADOPTED at Wichita, Kansas, this 16th day of March, 2004.

Carlos Mayans, Mayor

ATTEST:

Karen Schofield, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney